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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/039,436

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Blair B.A. Birmingham

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02/23/2006

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EXAMINER

MANNING, JOHN

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/039,436

Applicant(s)

BIRMINGHAM, BLAIR B.A.

Examiner

John Manning

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION*****Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

**Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).

Art Unit: 2614

- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

Art Unit: 2614

- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Art Unit: 2614

3. The disclosure is objected to because of the following informalities: the specification fails to include a Brief Summary of the Invention.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8, 11-13, 16-17, 18-20, 23-25, 28-32, 34, 37-39, 42-47, 49 and 52-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison (US Pat No 5,878,222).

In regard to claims 1, 16-17, 28 and 42, Harrison discloses a signal processing unit is provided with at least one analyzing unit to analyze channel data generated for a number of channels of a communication signal indicative of its channel contents to determine if channel contents of the channels are among channel contents defined by selection data (abstract). The claimed limitation of "receiving television content, the television content including closed captioning content" is met by Figure 2, Item 200. "The decoding unit 240 receives the monitored video signals from the tuning unit 200 and decodes (converts) the video signal into channel data indicative of the contents of the signals received by each channel being monitored. Decoding video signal is well known in the art

Art Unit: 2614

and will not be discussed in detail. For example, many traditional televisions provide programs that are closed-captioned for the hearing impaired. The information transmitted to a closed-captioned television-according federal standards (USFCC regulations 47 C.F.R 73.682(a)(22))-is decoded into ASCII text by a decoder, such as a close-caption decoder available from EEG Technology, Inc., in the closed-captioned television and displayed on the television screen. Another method of decoding is using data transmitted in the vertical blank interval of a transmitted television signal or using speech to text conversion devices, both of which are well known in the art and will not be described in detail" (Col 4, Lines 23-39). The claimed limitation of "identifying a first portion of the television content based on the closed captioning content" is met by is met by Figure 2, Items 250 and 260. "Responsive to the decoded signals 245 and predefined profile information, the analyzing units 250 determine whether the video signals being monitored by the tuning units 200 include predefined items of interest to the user. In one embodiment, analyzing units 250 are divided into analyzing units for different types of data including text analyzing unit 252, numeric analyzing unit 254, graphic image analyzing unit 256 and internet URL analyzing 258" (Col 3, Lines 53-59). The claimed limitation of "providing content associated with the first portion of the television content to a remote device" is met by is met by Figure 2, Items 270 and 275. "The analyzing units 250 are also coupled to an arbitrating unit 270 via lines 255. The arbitrating unit 270 resolves display contentions between one or more analyzing units contending for the display/record unit when one or more predetermined items of

Art Unit: 2614

interest are detected by the decoding units 240 and the analyzing units 250.

From the arbitrating unit 270 selected signals 275 are provided to the display/record unit to display or record based on the user's profile information stored in the profile unit 260" (Col 4, Lines 3-11; Also see: Col 4, Lines 23-39; Col 3, Lines 53-59). Where the remote device is the TV or recording unit.

In regard to claims 2-6, 8, 18-20, 29-32, 34, 43-47 and 49, the claimed steps of "identifying includes the steps of: searching the closed captioning content for a keyword; and selecting the first portion of the television content based on a location of the keyword within the closed captioning content", "wherein the keyword is indicated by a user", "wherein the keyword includes one of: a single word, a plurality of words, and a phrase", "wherein the step of identifying includes the steps of: obtaining a set of parameters; and selecting the first portion of the television content based on the set of parameters" and "wherein the set of parameters includes at least one keyword" are met by Figure 2, Items 250 and 260. "The analyzing unit 250 uses a user specified predefined list of data including "triggers" and items of channels stored in the profile unit 260 and the decoded channel data from the decoding unit 240 to determine which channels to display to the user. For example, the user may define a list of text of interest, such as monitoring the business channel so that anytime the word "Intel" is detected, the tuner automatically pre-empts the current channel being displayed" (Col 4, Lines 43-50). "In the preferred embodiment, the user can reprogram the contents of the profile unit 260. That is, the user can change the channel information, the priority numbers of the channels being monitored, or the



Art Unit: 2614

triggering text for each channel being monitored as well as the action to take once a trigger item is detected" (Col 5, Lines 35-40).

In regard to claims 11-13, 23-25, 37-39 and 52-54, Harrison discloses outputting the both video and audio responsive to the analysis. Where video is inherently a temporally sequenced collection of still images (See Col 4, Lines 54-67; Col 5, Lines 1-34).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 9-10, 14-15, 21-22, 26-27, 33, 35-36, 40-41, 48, 50-51 and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison.

In regard to claims 7, 33 and 48, Harrison discloses specifying channels as a parameter (See Col 3, Lines 65-67; Col 4, Lines 1-2).

Harrison fails to explicitly disclose specifying a time period as a parameter. However, the examiner take Official Notice that it was notoriously well known in the art to specify a time period as parameter so as to narrow the search window thereby relieving unnecessary demand on the system. Consequently, it would have been obvious to one of ordinary skill in the art to modify Harrison with specifying a time period as a parameter for the stated advantage.

Art Unit: 2614

In regard to claims 14-15, 26-27, 40-41 and 55-56, Harrison fails to explicitly disclose that the remote device is a wireless device or that the remote device includes one of: an alphanumeric pager, a two-way pager, a wireless telephone, and a hand-held computing device. However, the examiner take Official Notice that it was notoriously well known in the art to implement a remote device as a wireless hand-held computer so as to allow the features of the system to be portable. Consequently, it would have been obvious to one of ordinary skill in the art to modify Harrison with a remote device as a wireless hand-held computer for the stated advantage.

8. Claims 9-10, 21-22, 35-36 and 50-51 rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Taylor, Jr. et al. (US Pat No 6,710,812).

In regard to claims 9, 21, 35 and 50, Harrison fails to explicitly disclose the claimed limitation of "wherein the set of parameters is specified by the user through a website". Taylor teaches searching closed captioning information where the search parameters are submitted through a website so as to allow the user to use the system via the widely accessible Internet. "Another element of program 530 is a search engine interface, 531, allowing users to submit search parameters to the index. The preferred embodiment of such an interface is a series of World Wide Web pages. The pages are accessible via the Internet, although similar interfaces may be made available through other communications networks" (Col 8, Lines 3-9; Also see: Col 1, Lines 18-24, Col 2, Lines 18-24). Consequently, it would have been obvious to one of ordinary skill in the art to

Art Unit: 2614

modify Harrison with searching closed captioning information where the search parameters are submitted through a website for the stated advantage.

In regard to claims 9-10, 21-22, 35-36 and 50-51, Harrison fails to explicitly disclose the claimed limitation of "wherein the content associated with the first portion includes a text transcript based on the closed captioning content". Taylor teaches providing a text transcript based on the closed captioning content so as to provide a timely and cost effective way to monitor newscasts.

"Accordingly, it is a principal object of the present invention to provide a timely, comprehensive, and cost effective means for the monitoring, decoding, transmission, filing and retrieval of television word content through the client server based processing of closed captioned text. It is a further object of the invention to provide such means that makes such text accessible to end users via the World Wide Web or other communication networks. Other objects of the present invention, as well as particular features, elements, and advantages thereof, will be elucidated in, or be apparent from, the following description and the accompanying drawing figures" (Col 2, Lines 18-29; Also see: Col 1, Lines 20-35; Col 3, Lines 60-67; Col 4, Lines 1-25). Consequently, it would have been obvious to one of ordinary skill in the art to modify Harrison with providing a text transcript based on the closed captioning content for the stated advantage.

Art Unit: 2614


***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM  
February 10, 2006



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
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